REMARKS

In the Office Action dated February 6, 2007, claims 1-4, 6-12, 17, 19-36, and 39-53 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,779,017 (Lamberton); and claims 5, 13, 18, 37, and 38 were rejected under § 103 over Lamberton in view of U.S. Patent No. 6,272,129 (Dynarski).

It is respectfully submitted that claim 1 is not anticipated by Lamberton. Claim 1 recites a method for internet protocol (IP) address selection that comprises assigning a single domain name to a set of server IP addresses corresponding to plural servers, receiving a request for the domain name from a client IP address, retrieving a set of IP routes linking the server IP addresses and the client IP address, and selecting an IP route from the set of routes which meets predetermined criteria.

Several points of error were made in the rejection of claim 1 over Lamberton. First, the Office Action failed to identify what passage of Lamberton teaches the task of "receiving a request for the domain name from a client IP address," as recited in claim 1.

A second point of error is that the Office Action cited column 5, lines 1-26, of Lamberton as disclosing the retrieving of a set of IP routes linking the server IP addresses and the client IP address. The cited passage of Lamberton refers to a system (labeled "prior art" by Lamberton) in which a virtual server (that includes multiple servers arranged in a cluster) is associated with a single domain name system (DNS) name and a single IP address "to the world." Lamberton, 5:1-4. The cited passage also refers to the fact that all servers in the cluster have their own IP address and know the IP address of the cluster (the virtual server). Lamberton, 5:13-16. In response to a request from a client, a dispatcher system checks which server is less busy and routes the packet to that server. Lamberton, 5:16-18. Nowhere in this cited passage is there any indication of *retrieving a set of IP routes* linking the server IP addresses and the client IP address. The dispatching system described in column 5, at lines 1-26, of Lamberton merely selects one of the servers of the cluster to use for processing the client request. No retrieving of a *set of IP routes* is performed in this passage of Lamberton.

Another point of error made by the Office Action is the citation of the following passages of Lamberton as disclosing the task of "selecting an IP route from the set of routes which meets predetermined criteria": column 6, lines 35-40; column 7, lines 11-27; Fig. 4. The cited passage in column 6 of Lamberton refers to a request that is forwarded to a server

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that meets a criterion for being elected to process an initial request. The cited passage in column 7 of Lamberton refers to the selected server informing an end-user browser of the DNS name of the server. This teaching in the cited column 7 passage of Lamberton is significant because, in the embodiment of Fig. 4 (and related Fig. 3) of Lamberton, "each of the servers within the cluster of servers has its *own unique DNS name* at a corresponding IP address, for example, DNS1 and IP1 for the server [321]." Lamberton, 6:61-64 (emphasis added). Thus, according to the embodiment of Figs. 3 and 4 of Lamberton, the multiple servers of a cluster have individual DNS names and corresponding IP addresses, which is contrary to the recitation in claim 1 that a "single domain name" is assigned to a set of server IP addresses.

Although the prior art technique disclosed in Lamberton teaches that a cluster of servers can be assigned a single DNS name, it is noted that Lamberton teaches that such a technique is associated with disadvantages, namely that a bottleneck can be created since all requests are routed through the load balancer associated with the single DNS name. To address this, Lamberton teaches a technique in which servers of the cluster are assigned unique DNS names with corresponding IP addresses, which is contrary to the subject matter of claim 1.

More fundamentally, neither the prior art technique (Fig. 1 or Fig. 2) of Lamberton nor the described embodiment (Figs. 3 and 4) of Lamberton discloses the retrieving of a set of IP routes linking the server IP address and the client IP address (where the client IP address is in a received request), in combination with selecting an IP route from the set of routes which meets predetermined criteria.

In view of the foregoing, it is respectfully submitted that claim 1 is clearly not anticipated by Lamberton.

Independent claims 15 and 25 are similarly allowable over Lamberton.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

Moreover, the Office Action indicated that features of certain dependent claims (*e.g.*, 4, 6, and 7) are inherent in Lamberton. This rejection based on inherency is erroneous. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. M.P.E.P. § 2112 (8th ed., Rev. 5), at 2100-47. In relying upon the theory of inherency, "the examiner *must* provide a basis in fact and/or technical reasoning to

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reasonably support the determination that the allegedly inherent characteristic <u>necessarily</u> flows from the teachings of the applied prior art." *Id.*, at 2100-48. In this case, the Office Action has provided no rationale regarding why features of claims 4, 6, and 7 would be inherently found in the gateway/firewall of Lamberton. In fact, it is respectfully submitted that use of a BGP protocol, Telnet protocol, or finding the shortest AS path, are not inherent features of the gateway/firewall of Lamberton.

With respect to claim 8, the Office Action cited column 6, line 28, as disclosing selecting an IP route from a set of routes which has a lowest origin type. The cited passage of Lamberton refers to selecting the least busy server – selecting a least busy server has nothing to do with selecting an IP route that has a lowest origin type, as recited in claim 8.

With respect to claim 9, the Office Action cited the same passage of Lamberton (column 6, line 28) as selecting an IP route that has a lowest MED. Selecting a least busy server has nothing to do with selecting an IP route that has a lowest MED.

With respect to claim 10, the Office Action stated that selecting the IP route that is equal to a default IP address is a "design choice." The Office Action has cited no evidence that would have indicated that a person of ordinary skill in the art would have recognized that the use of a default IP address in the context of the claimed invention would be a "design choice." Therefore, the Office Action has clearly failed to establish the anticipation rejection of claim 10 over Lamberton.

With respect to the remaining dependent claims, the Office Action similarly made erroneous assertions of inherency or similarly mis-applied Lamberton onto the claimed subject matter.

In view of the fact that the base claims are allowable over Lamberton, it is respectfully submitted that the obviousness rejection of dependent claims over Lamberton and Dynarski has been overcome.

Appln. Serial No. 09/819,911
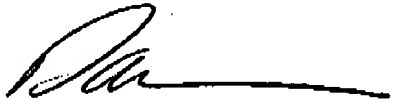Reply to Office Action Mailed February 6, 2007

Allowance of all claims is respectfully requested.

It is noted that the present Office Action is the **seventh** Office Action in this case. The Examiner has yet to find any reference that discloses the claimed subject matter. It is respectfully requested that in view of the thorough searches that have been performed by the Examiner without finding any such reference, that the claimed subject matter is clearly allowable.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10006946-1).

Respectfully submitted,

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